

**ORIGINAL**  
COMMISSIONERS  
BOB STUMM - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

OPEN MEETING ITEM



0000143735

ARIZONA CORPORATION COMMISSION

RECEIVED

2013 MAR 25 P 2:31

CORP COMMISSION  
DOCKET CONTROL

DATE: MARCH 25, 2013  
DOCKET NO.: T-20766A-12-0396

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

WIMACTEL, INC.  
(CC&N/COPT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

APRIL 3, 2013

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

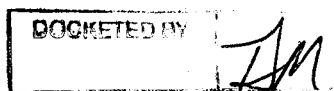
APRIL 9, 2013 AND APRIL 10, 2013

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

**DOCKETED**

MAR 25 2013



*Jodi A. Jerich*  
JODI JERICH  
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347  
[www.azcc.gov](http://www.azcc.gov)

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov).

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP – Chairman  
4 GARY PIERCE  
5 BRENDA BURNS  
6 BOB BURNS  
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE APPLICATION OF  
9 WIMACTEL, INC. FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
CUSTOMER-OWNED PAY TELEPHONE  
SERVICE IN ARIZONA.

DOCKET NO. T-20766A-12-0396

DECISION NO. \_\_\_\_\_

**ORDER**

10 Open Meeting  
11 April 9, and 10, 2013  
12 Phoenix, Arizona

**BY THE COMMISSION:**

13 Having considered the entire record herein and being fully advised in the premises, the  
14 Arizona Corporation Commission (“Commission”) finds, concludes, and orders that:

15 **FINDINGS OF FACT**

16 1. On September 6, 2012, WiMacTel, Inc. (“WiMacTel” or “Company”), filed with the  
17 Commission an application for a Certificate of Convenience and Necessity (“Certificate”) to provide  
18 customer-owned pay telephone (“COPT”) service in Arizona.

19 2. On November 1, 2012, WiMacTel filed a replacement tariff page.

20 3. On March 6, 2013, the Commission’s Utilities Division (“Staff”) filed a Memorandum  
21 recommending approval of WiMacTel’s application.

22 4. In Decision No. 55817 (December 10, 1987), the Commission found that COPT  
23 providers were public service corporations subject to the jurisdiction of the Commission.

24 5. In Decision No. 57797 (April 8, 1992), the Commission adopted Arizona  
25 Administrative Code (“A.A.C.”) R14-2-901 through R14-2-909 to regulate COPT providers.

26 6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT  
27 Certificates without a hearing.  
28

1           7.       WiMacTel's application states it intends to provide COPT services using a generic  
2 tariff pursuant to A.A.C R14-2-901. The Company attached to its application a copy of the customer  
3 information placard that will be placed at each pay phone location and stated that the Company  
4 currently does not have any pay phone locations within Arizona.

5           8.       Staff states that the Commission's Consumer Services Section reports that WiMacTel  
6 has no complaints, opinions, or inquiries filed against it; WiMacTel is in good standing with the  
7 Commission's Corporations Division; Staff believes granting WiMacTel's application is in the public  
8 interest; and that the application should be approved without a hearing.

9           9.       Staff's recommendations are reasonable and shall be adopted.

10                               **CONCLUSIONS OF LAW**

11           1.       WiMacTel is a public service corporation within the meaning of Article XV of the  
12 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

13           2.       The Commission has jurisdiction over WiMacTel and the subject matter of the  
14 application.

15           3.       The provision of COPT service in Arizona by WiMacTel is in the public interest.

16           4.       WiMacTel is a fit and proper entity to receive a CC&N to provide COPT service in  
17 Arizona.

18           5.       Staff's recommendations are reasonable and should be adopted.

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

**ORDER**

IT IS THEREFORE ORDERED that the application of WiMacTel, Inc. for a Certificate of Convenience and Necessity to provide customer-owned pay telephone service in Arizona, is hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI. JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
JODI JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: WIMACTEL, INC.

2 DOCKET NO.: T-20766A-12-0396

3

4 Thomas M. Forte, Consultant  
5 TECHNOLOGIES MANAGEMENT, INC.  
6 2600 Maitland Center Parkway, Suite 300  
7 Maitland, Florida 32751

8 Janice Alward, Chief Counsel  
9 Legal Division  
10 ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
12 Phoenix, AZ 85007

13 Steve Olea, Director  
14 Utilities Division  
15 ARIZONA CORPORATION COMMISSION  
16 1200 West Washington Street  
17 Phoenix, AZ 85007

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34